



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 14, 1995

William G. Burnett, P.E.
Executive Director
Texas Department of Transportation
Dewitt C. Greer State Highway Bldg.
125 E. 11th Street
Austin, Texas 78701-2483

OR95-1214

Dear Mr. Burnett:

You have requested that this office reconsider its conclusion in Open Records Letter No. 94-234 (1994). Open Records Letter No. 94-234 (1994) concluded that section 552.110 of the Government Code did not prohibit the release of certain company information submitted to the Texas Department of Transportation in connection with applications for Disadvantaged Business Enterprise status, except for tax return information made confidential by federal statute. Open Records Letter No. 94-234 (1994) implicitly relied upon the interpretation of the "commercial or financial information" exemption in section 552.110 articulated by this office in Open Records Decision No. 592 (1991), to the effect that such information must be confidential under the common or statutory law of Texas in order to be exempt from required public disclosure. We find no compelling legal reason to overrule Open Records Decision No. 592 (1991) at this time.

Because we conclude that the ruling reached in Open Records Letter No. 94-234 (1994) was correct, we decline to overrule that decision.

Yours very truly,

A handwritten signature in cursive script that reads "Loretta R. DeHay".

Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Ref.: ID# 26833, RQ-739

Enclosures: Submitted documents

cc: Mr. Paul Guthrie
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